



CNR: KAHC010452162026

NC: 2026:KHC:40515
WP No. 20481 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20481 OF 2026 (GM-CPC)

BETWEEN:

SMT. SUSHEELA N
W/O. N.R.M. NAGARAJAN,
R/AT AVAYYA MANE,
AGED ABOUT 52 YEARS,
NO.33/9, 2ND CROSS,
20TH A MAIN ROAD,
BEHIND MAHALAKSHMI METRO STATION,
RAJAJINAGAR 1ST R BLOCK,
BENGALURU - 560 010

...PETITIONER

(BY SRI. D. GANGADHARA, ADVOCATE)

AND:

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

1. SRI M SHANKARAIHAH
S/O. LATE MURARAIHAH,
AGED ABOUT 77 YEARS,
R/AT MURARAIHAHNA PALYA,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK,
PIN - 562 132

PRESENTLY RESIDING AT
NO.306, INDIRANAGARA,
NELAMANGALA TOWN, NELAMANGALA.
PIN-562132.



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2. SMT. DODDAKKA LAKSHMAMMA,
W/O. DODDAIAH RANGAIAH,
AGED ABOUT 94 YEARS,
R/AT KALENAHALLI VILLAGE,
URUDUGERE HOBLI,
TUMKURU TALUK,
PIN - 572 140.

3. SRI. K.H.BHEEMARAJU,
S/O. HUCHHANNA,
AGED ABOUT 57 YEARS,

4. SRI K H HANUMANTHARAYAPPA
S/O. HUCHHANNA,
AGED ABOUT 44 YEARS,

RESPONDENTS NO.3 AND 4 ARE
R/AT NARASIPURA VILLAGE,
SOMPURA HOBLI,
NELAMANGALA TALUK,
PIN - 562 111.

5. SRI. KUMAR,
S/O. LATE NAGAPPA,
AGED ABOUT 54 YEARS,

6. SMT PRIYANKA
D/O KUMAR
AGED ABOUT 30 YEARS,

7. SMT PALLAVI
D/O KUMAR
AGED ABOUT 26 YEARS,



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RESPONDENTS NO.5 TO 7 ARE
R/AT KARIMARANAHALLI VILLAGE,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK,
PIN - 562 132.

8. SRI. T. SIDDARAJU,
S/O. LATE THOPAIAH,
AGED ABOUT 49 YEARS,
R/AT THIPPAGONDANAHALLI,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK,
PIN - 562 123.
9. SRI. MUNIYAPPA,
S/O. LATE KADARAIAH,
AGED ABOUT 54 YEARS,
R/AT GORAGATTA VILLAGE,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK,
PIN - 562 132.
10. SRI. K.S.SURESH,
S/O. K N SESHANNA SHETTY,
AGED ABOUT 58 YEARS,
R/AT NO.834, OPP. JAIN CHATHRA,
3RD MAIN ROAD, LN COLONY,
YESHWANTHAPURA,
BENGALURU - 560 022.
11. SRI. G.S.RANGANATH,
S/O. LATE SIDDALAH,
AGED ABOUT 63 YEARS,
R/AT LAKSHMI, 9TH CROSS,



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SUBHASHNAGARA,
NELAMANGALA TOWN,
NELAMANGALA - 562 132.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER OF ANNEXURE-V DATED 18.03.2026 PASSED BY THE HONBLE 1ST ADDL. SENIOR CIVIL JUDGE AND JMFC, AT NELAMANGALA IN OS NO. 247/2020. DIRECT IN THE REVENUE AUTHORITIES TO DELETION OF THE R1 NAME FROM THE RECORD OF RIGHTS IN RESPECT OF SY.NOS.44/1 AND 44/2 AS ANNEXURE-Y-9 AND Y-10 FROM THE R1 NAME ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed, aggrieved by the order on I.A.No.13 under Order XXXIX Rules 5 and 6 read with Section 151 of the CPC, passed in O.S.No.247/2020 dated 18.03.2026 by the I Additional Senior Civil Judge and JMFC, Nelamangala, the petitioner/defendant No.11 is before this Court.



2. Respondent No.1 herein, who is the plaintiff, has filed a suit for declaration of title and permanent injunction, and has also sought the cancellation of the Sale Deeds.

3. The present application seeks a direction to delete the name of the plaintiff, Sri. Shankaraiah, from the revenue records pertaining to the land bearing Sy.Nos. 44/1 and 44/2 in respect of the suit schedule property, specifically from Column No. 12(2) of the pahani entries, and to continue and reflect the name of defendant No.11, which was dismissed by the impugned order. While dismissing the application, the Trial Court observed that the present dispute admittedly relates to immovable property, namely agricultural lands, and that the relief sought pertains to the correction of the revenue entries. Therefore, the provisions invoked do not strictly apply to the nature of the relief sought in the present application. Though this Court has inherent powers under Section 151 CPC, such powers ought to be exercised sparingly. Further, the Trial Court observed that the application was under Order XXXIX Rules 5 and 6 read with Section 151 of the CPC. Order XXXIX Rule 5



pertains to attachment before judgment, and Rule 6 relates to the sale of movable property of a perishable nature.

4. Having regard to the facts and circumstances of the case, the Court has concluded that defendant No.11 has failed to establish a *prima facie* case in support of the relief sought. The balance of convenience does not lie in her favour, and accordingly, the said application is dismissed.

5. Learned counsel for the petitioner submits that till recently, the entries were in the name of the plaintiff, and recently the plaintiff had his name mutated in the revenue records. It is submitted that when the status quo order was passed by this court, during the subsistence of the said status quo orders, changes in the revenue entries had taken place, whereby the name of the plaintiff was also incorporated.

6. It is the contention that the plaintiff has violated the orders of the Court and obtained mutation of his name, which is causing considerable hardship to the defendant. Quoting a wrong provision of the law cannot be a ground for the Court to dismiss the application, as under Section 151 of the CPC, the Court has inherent powers to pass the order. It is submitted



that the trial Court failed to consider these aspects, and the impugned order is liable to be set aside.

7. Having heard the learned counsel for the petitioner, perused the material on record. The suit is filed for a declaration of title, a permanent injunction, and to cancel the Sale Deeds, as per the petitioner's submissions. After the status quo order was passed by the Co-ordinate Bench of this Court in a writ petition, there were changes to the entries in the revenue records, which will be decided by the Court in the pending writ petition. As far as the present application is concerned, the Trial Court has rightly observed that, considering the nature of the dispute between the parties, the application filed by the petitioner to delete the name of the plaintiff from the revenue records amounts to prejudging the issue, and that cannot be done.

9. In the considered opinion of this Court, the Trial Court has rightly considered and passed the orders. This Court finds no reason to interfere with the impugned order. It is made clear that this Court has not expressed anything on the merits



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of the matter, and the Trial Court shall proceed in accordance with law.

10. In view of the aforesaid discussions, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs, if any, shall stand closed.

**Sd/-
(LALITHA KANNEGANTI)
JUDGE**

SMC
List No.: 1 Sl No.: 19